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June 29, 2005

The Honorable Kent A. Jordan  
United States District Court  
844 King Street  
Lock Box 10  
Wilmington, DE 19801

**RE: John R. Baker v. Town of Smyrna**  
**Civil Action No.: 04-1457 (KAJ)**

Dear Judge Jordan:

Please consider this as a joint status report regarding the above-captioned matter.

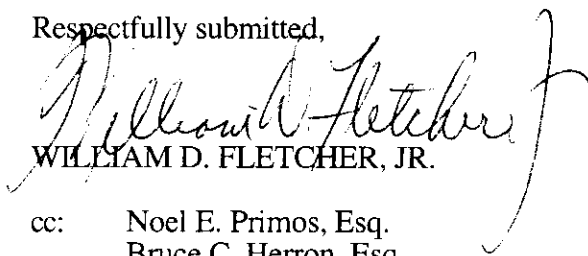
Plaintiff's Initial Disclosures Made Pursuant to Federal Rule of Civil Procedure 26 (a)(1) were filed and served on Defendant on Wednesday, June 29, 2005. Defendant served Plaintiff with Initial Disclosures Made Pursuant to Federal Rule of Civil Procedure 26 (a) (1) on January 5, 2005. On January 11, 2005, Defendant served Plaintiff with Defendant's First Set of Interrogatories and Request For Production directed to Plaintiff. Plaintiff anticipates servicing Defendant with its First Set of Interrogatories and Request For Production within the next few days. Both parties have agreed to complete discovery by September 1, 2005. Both parties have also agreed and are requesting the Court's permission to extend the Disclosure of Expert Testimony deadline to September 30, 2005.

The oral deposition of the Plaintiff was taken on February 23, 2005, and the oral depositions of Theopolas Banes, Defendant Joseph Heeger and Defendant Harvey Leggett were taken on March 22, 2005.

A mediation conference is scheduled for Wednesday, September 7, 2005, beginning at 10:00 a.m.

Both parties have agreed to waive the interim status conference call scheduled for July 6, 2005. Should the Court feel that the conference call is necessary, however, counsel stand ready to participate.

Respectfully submitted,

  
WILLIAM D. FLETCHER, JR.

cc: Noel E. Primos, Esq.  
Bruce C. Herron, Esq.